

Attorney's Docket No. 038190/267438

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

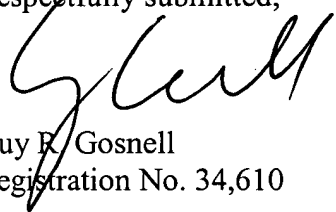
In re: Chester Lee Balestra, et al. Confirmation No.: 4406
Appl. No.: 10/648,990 Group Art Unit: 2871
Filed: August 27, 2003 Examiner: G. Y. Wang
For: OPTICAL FIBER HAVING AN ELEVATED THRESHOLD
FOR STIMULATED BRILLOUIN SCATTERING

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(c)**

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321(c) for the above referenced application. Also enclosed is a check in the amount of \$110.00 for a large entity or \$55.00 for a small entity [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 16-0605 for any additional fee that may be required or credit any overpayment.

Respectfully submitted,


Guy R. Gosnell
Registration No. 34,610

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 8, 2004,


Gwen Frickhoeffter

CLT01/4656416v1



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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)

I, Guy R. Gosnell, am an attorney of record of the disclaimant, The Boeing Company, and am authorized to execute this disclaimer on behalf of The Boeing Company. The disclaimant, The Boeing Company, having a principal mailing address at the time of M/S 13-08, Post Office Box 3707, Seattle, Washington 98124-2207, is the owner of all right, title, and interest in the above-identified application, by Assignment filed with the parent application on February 28, 2001, and recorded at Reel 011586, Frame 0920.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,687,440, issued February 3, 2004, entitled *Optical Fiber Having An Elevated Threshold For Stimulated Brillouin Scattering*, which patent was assigned to the above-identified disclaimant by an Assignment recorded February 28, 2001, at Reel 011586, Frame 0920.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,687,440, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory

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Filing Date: August 27, 2003
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term of U.S. Patent No. 6,687,440 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(c), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



Guy R. Gosnell
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Date: July 8, 2004

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